

# Exhibit A



Entered on Docket  
December 29, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BEAU RIVAGE  
HOMES LOAN**

Hearing Date: December 18, 2009  
Hearing Time: 1:30 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

The Court having considered the “ Fourth Omnibus Objection of USACM Trust to Proofs of Claim Based In Whole or In Part, Upon Investment in The Beau Rivage Homes Loan”, [Docket No. 7806] (the “Objection”) at its December 18, 2009 Omnibus Hearing; proper notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

**IT IS HEREBY ORDERED:**

1. The Objection is sustained;
2. The claims listed on **Exhibit A** attached are allowed as general unsecured claims for the amount shown on Exhibit A as Unremitted Principal; and
3. The claims listed on **Exhibit A** are disallowed to the extent they are based upon a Direct Lender investment in The Beau Rivage Homes Loan.
4. To the extent the claims listed on Exhibit A are based upon investments in loans other than The Beau Rivage Homes Loan, this order does not affect them and the USACM Trust may file further objections.

PREPARED AND RESPECTFULLY SUBMITTED BY:

**LEWIS AND ROCA LLP**

By /s/ John Hinderaker (018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ This is a Chapter 11 case. I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

|   |   |
|---|---|
| U.S. Trustee: August Landis   |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document  |
| Other Party (no other parties appeared):  |   |
| <input type="checkbox"/> approved the form of this order                        | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or            | <input type="checkbox"/> failed to respond to the document  |

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/John Hinderaker (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
 Marvin Ruth  
*Attorneys for USACM Liquidating Trust*

USACM TRUST  
PAID LOAN OBJECTIONEXHIBIT A  
MULTIPLE LOAN CLAIMS  
BEAU RIVAGE HOMES/\$8,000,000

| Claim       | Name   | Address  | Total Claim Amount | Amount Related to The Beau Rivage Homes/\$8,000,000 Loan | Allowed Diverted Principal Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the Beau Rivage Homes/\$8,000,000 Loan |
|-------------|--|--|--------------------|--|---|---|
| 10725-00319 | Pedro L & Carol A Barroso Trust Dtd 11/29/90 | Pedro Luis & Carol Ann Barroso Ttee<br>3231 Cambridgeshire St<br>Las Vegas, NV 89146-6223                          | 168,017.76         | 1,351.09   | -                                       | 1,351.09  |
| 10725-02000 | Robert L Ogren Trust Dtd 6/30/92             | Robert L Orgren Ttee<br>3768 Rick Stratton Dr<br>Las Vegas, NV 89120   | 1,827,483.14       | 3,783.06   | 2,203.03                                | 1,580.03  |
| 10725-01036 | Sierra West Inc                              | Po Box 8346<br>Incline Village, NV 89452-8346  | 425,583.32         | 1,424.76   | 1,136.81                                | 287.95  |
| 10725-01955 | Small Family Trust                           | Richard & Jacquelin<br>Small Ttees<br>4801 Calle Santa Cruze<br>Prescott Valley, AZ 86314                          | 703,134.00         | 25,000.00  | 1,136.81                                | 23,863.19   |
| 10725-02481 | Tobias Von Euw Revocable                     | Trust Dated 11/23/04<br>C/O Tobias Von Euw Trustee<br>Sun City Aliante 7431<br>Lintwhite St<br>Las Vegas, NV 89084 | 1,468,967.93       | 1,351.09   | 949.31                                  | 401.78  |
| 10725-01365 | Vrbancic, Richard G                          | 103 Willow Brook Dr<br>Ne<br>Warren, OH 44483-4630   | 270,000.00         | 75,000.00  | 2,710.42                                | 72,289.58   |
| 10725-02180 | Wisch, Craig                                 | 210 Andrew Ave<br>Naugatuck, CT 06770  | 317,369.28         | 4,593.71   | 3,025.11                                | 1,568.60  |